

PTOL-413A (09-06)

Approved for use through 03/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE**Applicant Initiated Interview Request Form**

Application No.: 10/589,899 First Named Applicant: Helmut D. LINK  
 Examiner: Jay R. Sigler Art Unit: 3775 Status of Application: PENDING

**Tentative Participants:**

(1) Brad Meier (2) Examiner Jay R. Sigler  
 (3) Examiner Thomas C. Barrett (4) \_\_\_\_\_

Proposed Date of Interview: July 15, 2009 Proposed Time: 10 AM (AM/PM)

**Type of Interview Requested:**

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: \_\_\_\_\_

**Issues To Be Discussed**

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>35 USC 102</u>	_____	<u>Michelson</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

**Brief Description of Arguments to be Presented:**

Applicants' representative seeks to discuss proposed amendments to overcome the 35 USC 102 rejection.

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:**

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP §713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

/Bradley J. Meier/

\_\_\_\_\_  
Applicant/Applicant's Representative Signature

\_\_\_\_\_  
Examiner/SPE Signature

Bradley J. Meier

\_\_\_\_\_  
Typed/Printed Name of Applicant or Representative

44,236

\_\_\_\_\_  
Registration Number, if applicable

va-276776

**PROPOSED AMENDMENTS (NOT FOR ENTRY INTO RECORD)**

1-22. (Canceled)

23. (Currently Amended) An instrument for implanting a cervical intervertebral prosthesis including two anchoring plates and a prosthesis core arranged between them, the instrument comprising a handle, a stem, and a head part which is arranged at an end of the instrument remote from the handle and whose dimensions are chosen such that the head part can be inserted into an implantation space that has been created between adjacent vertebral bodies for receiving the intervertebral prosthesis, the head part comprising an excavating element configured for creating a recess in a cranial-caudal direction in the adjacent vertebral bodies and an actuating device provided for the excavating element which is movable between a rest position, in which the excavating element is retracted in the head part, and a working position, in which the excavating element protrudes from the head part transversely with respect to the stem, wherein the excavating element comprises pairs of cutting fins which are configured to rotate in the same plane and arranged opposite one another, the cutting fins of each pair having different effective heights ~~relative to one another~~.

24. (Previously Presented) The instrument as claimed in claim 23, wherein the excavating element is a cutter disk.

25. (Previously Presented) The instrument as claimed in claim 24, wherein the cutter disk has at least one pair of cutting fins arranged in an offset manner about its circumference.

26-31. (Canceled)

32. (Previously Presented) The instrument as claimed in claim 23, 24 or 25, wherein the excavating element is longitudinally movable along a guide.

33. (Previously Presented) The instrument as claimed in claim 23, 24 or 25, wherein the actuating device comprises a transmission shaft operated by the handle.

34. (Previously Presented) The instrument as claimed in claim 23, 24 or 25, wherein the actuating device has a rotary drive coupling.

35-45. (Canceled)

US Appln No. 10/589,899

va-276776